

Jason M. Tangeman, WSB No. 6-3082
 NICHOLAS & TANGEMAN, LLC
 P.O. Box 928; 170 N. 5th St.
 Laramie, WY 82073
 (307) 742-7140
 Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF WYOMING

RIA R SQUARED, INC.,)	Case No. 21-CV-125-S
a Delaware corporation)	
)	
<i>Plaintiff,</i>)	
)	
v.)	
)	
PAUL D. MCCOWN, and)	
MCCOWN ENTERPRISES, LLC,)	
)	
<i>Defendants.</i>)	

MOTION FOR RELIEF FROM PRELIMINARY INJUNCTION

COMES NOW Defendant, Paul D. McCown, by and through counsel, Jason M. Tangeman, of Nicholas and Tangeman, LLC, and respectfully moves the Court to enter the attached Order granting Mr. McCown relief from the Court’s Order Granting Plaintiff’s Motion for Preliminary Injunction (Doc. 23) and allow Mr. McCown and his family to sell their Lander, Wyoming residence. Reasons in support of this Motion are as follows:

1. On July 9, 2021 the Court entered its Order Granting Plaintiff’s Motion for Preliminary Injunction. (Doc. 23.) The Order provides that “[d]uring the pendency of this action and until further order of the Court, Defendants . . . are enjoined from dissipating, disposing of, liquidating, disseminating and/or transferring, directly or indirectly, any of their personal assets . . . other than in the ordinary course . . . of personal affairs.” (Id.)

2. Mr. McCown’s personal residence is located at 10 Red Rim Road in Lander Wyoming. The house is jointly owned by Paul D. McCown and Jacinta E. McCown as husband and wife. A copy of the Warranty Deed is attached at Exhibit A.

3. Mr. McCown and his family would like to sell their residence for the reasons that it has become too expensive for them to maintain and they need the proceeds of the sale, in part, to live on and pay their personal expenses.

4. The plain language of the preliminary injunction allows Mr. McCown to sell his residence as it is in the ordinary course of his personal affairs. Regardless, this Motion is filed/served in an abundance of caution and to be transparent with the Court and Plaintiff.

5. Wyoming law is clear that property held as tenants by the entirety cannot be executed upon to satisfy a judgment against only the husband or the wife. *See Baker v. Speaks*, 2013 WY 24, ¶ 48, 295 P.3d 847, 858 (Wyo. 2013). The Red Rim property is jointly owned by Paul and Jacinta McCown as husband and wife and therefore could not be attached to satisfy any Judgment in these proceedings. (Exhibit A). As such, the residence could not be attached to satisfy any Judgment and the proceeds from the sale of the house could similarly not be attached. In short, because the sale of the residence could not satisfy any Judgment any prohibition for its sale and/or transfer should be lifted in these proceedings.

6. Plaintiff has been presented with a draft of this Motion and objects to the relief requested herein.

WHEREFORE counsel for Defendants respectfully requests the Court enter the attached Order granting Mr. McCown relief from the Order Granting Plaintiff's Motion for Preliminary Injunction (Doc. 23) and allow him to sell his house described herein. Mr. McCown requests a hearing on this matter.

DATED: February 4, 2022.

/s/ Jason M. Tangeman
Jason M. Tangeman, WSB #6-3082
NICHOLAS & TANGEMAN, LLC
170 North Fifth Street, P.O. Box 928
Laramie, WY 82073-0928
Phone: (307) 742-7140
Fax: 307-742-7160
jtangeman@wyolegal.com

CERTIFICATE OF SERVICE

I hereby certify that, on February 4, 2022, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to all registered counsel of record.

s/ Jason M. Tangeman